AMENDMENTS TO THE DRAWINGS

The Examiner has objected to Figures 1A and 1B. Such objection is deemed avoided by virtue of the replacement sheets submitted herewith.

REMARKS

The Examiner has objected to Claims 11, 13, 24, and 26 due to informalities. Applicant respectfully asserts that such objection has been avoided in view of the clarifications made hereinabove to the claims.

The Examiner has objected to Claims 14-27 as lacking clear support or antecedent basis in the specification. Specifically, the Examiner has argued that 'the term "computer readable medium" is lacking clear support or antecedent basis in the description of the specification.'

Applicant respectfully disagrees and draws the Examiner's attention to Figure 2 of applicant's drawings where a typical hardware configuration of a workstation in accordance with a preferred embodiment is disclosed, illustrating various computer readable media (e.g. see items 214, 216, and 220). Further, on page 10, lines 14-16 of applicant's specification, as originally filed, "a Random Access Memory (RAM) **214**, Read Only Memory (ROM) **216**, [and] an I/O adapter **218** for connecting peripheral devices such as disk storage units **220**" are described. Therefore, applicant's claimed "computer readable medium" is clearly supported by applicant's specification as originally filed.

Additionally, the Examiner has rejected Claim 28 under 35 U.S.C. 101 as being directed to non-statutory subject matter. More specifically, the Examiner has stated that "[a] system comprising software is considered [a] program per se which is not one of the categories of statutory subject matter." Applicant contends that the above rejection is deemed avoided by virtue of the clarifications made hereinabove to Claim 28.

The Examiner has rejected Claims 1-2, 14-15, and 28 under 35 U.S.C. 103(a) as being unpatentable over Sirbu (U.S. Patent No. 7,062,680), in view of Hippelainen (U.S. Patent Publication No. 2002/0078384). In addition, the Examiner has rejected Claim 29 under 35 U.S.C. 103(a) as being unpatentable over Pathak et al. (U.S. Patent Publication

No. 2003/0014128), in view of Hippelainen. Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to the independent claims. Specifically, applicant has amended the independent claims to at least substantially include the subject matter of former dependent Claim 8 et al.

With respect to independent Claim 29, the Examiner has relied on paragraphs [0019] and [0022] from the Pathak reference, in addition to paragraph [0069] from the Hippelainen reference, to make a prior art showing of applicant's claimed "enabling a tunnel analysis based on the user input." Specifically, the Examiner states that "Hippelainen teaches enabling a tunnel analysis based on input (interception criteria)."

Applicant disagrees and respectfully points out that the above reference excerpts from Pathak relied on by the Examiner merely teach that "[u]pon receiving the data packets, the core... analyzes the data packets and captures certain data from the data packets" (Pathak - paragraph [0019]). In addition, the reference excerpts from Pathak teach that "the user provides constraints which specify capture of information from particular data packets satisfying the provided constraints, as well as the measures, levels of granularity, and constraints associated therewith" (Pathak - paragraph [0022]).

However, merely teaching that a core analyzes data packets, and that a user provides constraints which specify capture of information from particular data packets, as in Pathak, does not teach "**enabling** a tunnel analysis based on the user input" (emphasis added), as claimed by applicant.

Further, the reference excerpt from Hippelainen relied on by the Examiner teaches that "the LIN comprises a control means... arranged to control the other means of the LIN on the basis of an interception control information regarding interception criteria and the secure tunnel," where "LINs are arranged as passive packets sniffers used for reading and duplicating intercepted data packets" (Hippelainen – paragraphs [0053] and [0069] – emphasis added).

Clearly, simply disclosing controlling a LIN on the basis of interception criteria, where such LIN only passively sniffs packets for reading and duplicating intercepted data packets, as in Hippelainen, fails to specifically disclose "**enabling** a tunnel analysis based on the user input" (emphasis added), as claimed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has substantially incorporated the subject matter of Claim 8 et al. into each of the independent claims.

With respect to the subject matter of former Claim 8 et al. (now at least substantially incorporated into the independent claims), the Examiner has rejected the same under 35 U.S.C. 103(a) as being unpatentable over Sirbu (U.S. Patent No. 7,062,680) and Hippelainen, in view of Pathak. More specifically, the Examiner has relied on paragraphs [0021] and [0022] from the Pathak reference to make a prior art showing of applicant's claimed technique "wherein the analyzing is conditionally performed for one or more types of tunnels associated with the tunneling." Applicant also notes the Examiner has argued that Pathak teaches that "the analyzing is conditionally performed based on user input."

First, applicant respectfully points out that applicant specifically claims a technique "wherein the analyzing is conditionally performed for one or more types of tunnels associated with the tunneling," and not that "the analyzing is conditionally performed based on user input," as noted by the Examiner.

Second, applicant respectfully asserts that the excerpts from Pathak relied upon by the Examiner merely teach that "the user provides constraints which specify capture of information from particular data packets satisfying the provided constraints" (paragraph [0022], and substantially the same language in paragraph [0021] - emphasis added). However, merely teaching that the user can provide constraints which specify capture of information from particular data packets, fails to even *suggest* that "the analyzing is conditionally performed for one or more types of tunnels associated with the tunneling" (emphasis added), as claimed by applicant.

To this end, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. With respect to dependent Claim 9 et al., as also rejected under 35 U.S.C. 103(a) as being unpatentable over Sirbu and Hippelainen, in view of Pathak, the Examiner has relied on paragraphs [0016], [0021] and [0022] from the Pathak reference to make a prior art showing of applicant's claimed technique "wherein the analyzing is conditionally performed for one or more types of tunnels associated with the tunneling based on user input."

Applicant respectfully asserts that the excerpts from Pathak relied upon by the Examiner merely teach that "[the w]ireless content switch... can receive GPRS tunneling protocol format packet data from [the] gateway node," and that the switch "can determine additional processing that may be required based upon the mobile station... the type of

content in the packet, priority data, quality of service data, multicasting functionality, or other suitable functions" (paragraph [0016] - emphasis added). In addition, the excerpts teach that "the user can provide constraints which specify capture of information from particular data packets satisfying the provided constraints" (paragraph [0021] - emphasis added).

However, determining additional processing based on a mobile station, type of packet content, priority data, quality of service data, and multicasting functionality, in addition to specifying capture of information based on user constraints, fails to even suggest a technique "wherein the analyzing is conditionally performed for one or more types of tunnels associated with the tunneling," much less a technique "wherein the analyzing is conditionally performed for one or more types of tunnels associated with the tunneling based on user input" (emphasis added), as claimed by applicant.

Additionally, with respect to dependent Claim 12 et al., as rejected under 35 U.S.C. 103(a) as being unpatentable over Sirbu, Hippelainen and Applicant Admitted Prior Art (AAPA), the Examiner has argued that Page 3, second paragraph and item 15 in Figure 1A of AAPA meets applicant's claimed technique "wherein the IP protocol interpreter is re-executed to accommodate the tunneling."

Applicant respectfully asserts that Page 3, second paragraph of applicant's specification only discloses an "order in which...EPIs are called." Further, item 15 in Figure 1A only shows a frame resulting from an analysis (see Page 3, paragraph 1 of the specification). Clearly, only mentioning that EPIs are called based on an order fails to specifically teach that an "IP protocol interpreter is re-executed to accommodate the tunneling" (emphasis added), as claimed.

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 31-33 below, which are added for full consideration:

> "wherein statistics and diagnosed failure conditions associated with the at least one object are displayed via a user interface" (see Claim 31);
>
> "wherein multiple objects generated by the plurality of protocol interpreters are linked to logically portray a relationship between endpoints of a tunnel and stations conversing inside the tunnel" (see Claim 32); and
>
> "wherein adverse conditions for the at least one object are diagnosed and presented in a detailed screen associated with the at least one object" (see Claim 33).

Again, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The

Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P306).

Respectfully submitted,
Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100